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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,640	05/15/2001	Kenneth Tetterington	45162.3	8746
7590	06/25/2004		EXAMINER	
WARREN A. SKLAR RENNER, OTTO, BOISSELLE & SKALR, LLP 1621 EUCLID AVENUE THE KEITH BUILDING, NINETEENTH FLOOR CLEVELAND, OH 11445			REKSTAD, ERICK J	
			ART UNIT	PAPER NUMBER
			2613	6
DATE MAILED: 06/25/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/581,640	BONNEAU ET AL.
	Examiner Erick Rekstad	Art Unit 2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 15 May 2001.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-9 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,6,7 and 9 is/are rejected.  
 7) Claim(s) 1-5 and 8 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

This is a first action for application no. 09/581640 filed on May 15, 2001 in which claims 1-9 are presented for examination.

### ***Claim Objections***

Claim 1 is objected to because of the following informalities: The claim states "alternating between the left eye and right views" the claim should state "alternating between the left eye and right eye views". Appropriate correction is required.

### ***Double Patenting***

Claim 7 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 6. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim 7 states the apparatus of claim 6 further comprising a pair of shutter glasses. Claim 6 has already stated a pair of shutter glasses being connected to the alternating means.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 4,424,529 to Roese et al.

[claim 1]

Roese teaches the method for displaying an image on a standard interlaced video or television monitor in a flicker-free manner comprising the steps of:

- (a) combining a right perspective image with a left perspective image in a video frame by dividing each field into an odd number of substantially equal subfields and alternating the right and left perspective images with each subfield. Where Roese divides the field into one subfield, the field itself (Col 4 Lines 12-30, Fig. 1);
- (b) providing shutter glasses (71 Fig. 1) which can selectively block either the left eye view or the right eye view of a user (Col 5 Lines 33-47);
- (c) generating a trigger signal marking the end of each subfield and the commencement of the next subfield (Col 4 Lines 51-60); and
- (d) blocking one eye view for the duration of a first subfield and the other eye view for the duration of the next subfield and thereafter alternating between the left eye and the right view, coinciding with the commencement of each subfield (Col 5 Lines 48-68).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roese in view of US Patent 5,083,851 to MacDonald.

[claims 6 and 7]

Roese teaches the apparatus for displaying a stereoscopic image on a standard video or television monitor in a flicker-free manner for use with a composite video signal wherein a right and left perspective image are combined in a video frame wherein each field is divided into an odd number of subfields such that the right and left image perspectives are alternated between the subfields, wherein the field is divided into one subfield (Fig. 1). Roese further teaches the trigger (24, 30, 34 and 50 of Fig. 1) which receives a signal from the video stream and outputs a signal when the end of each subfield is reached (Col 4 Lines 51-60). Roese further teaches the means for alternating the trigger output signal between the right cell (68 Fig. 1) and the left cell (66 Fig. 1) of a pair of shutter glasses (74, Fig. 1) wherein the shutter glasses cells darken in response to the trigger output signal (Col 5 Lines 33-68). Roese does not teach the counter which increments with the horizontal refresh signals and is reset to zero with each vertical refresh signal. MacDonald teaches the division of a field at a set time (Fig. 4). The horizontal refresh signal is well known in the art to be related to the time of a field (Official Notice). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the apparatus of Roese with the field timing of MacDonald as the time of interlaced video for a television monitor is well known in the art (Official Notice).

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roese and MacDonald as applied to claim 7 above, and further in view of US Patent 4,907,860 to Noble.

Roese and MacDonald teach the apparatus of claims 6 and 7. Roese and MacDonald do not teach the shutter glasses which slightly scatter visible light. Noble teaches the lens scattering the light in order to reduce the perceived flicker (Col 1 Lines 29-44, Col 1 Line 65-Col 2 Line 3, Col 2 Lines 45-49). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the apparatus of Roese and MacDonald with the light scattering lenses of Noble in order to reduce the perceived flicker.

#### ***Allowable Subject Matter***

Claims 2-5 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6,466,432 to Lazzaro et al.

US Patent 607556 to Urano et al.

US Patent 4,583,117 to Lipton et al.

Art Unit: 2613

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erick Rekstad whose telephone number is 703-305-5543. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 703-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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